

TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM

CHAPTER 2

OVERVIEW OF THE TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

A. TEXAS WATER AGENCY HISTORY

On September 1, 1993, the Texas Natural Resource Conservation Commission (TNRCC) assumed primary responsibility for protecting the water resources in Texas as a result of legislation passed by the 72nd Texas Legislature (1991). However, Texas has a long history of protecting water quality through legislative and regulatory actions. The following brief history highlights major actions of the State regarding water resources.

1860- A clause prohibiting water pollution was made a part of the Texas Penal Code providing that a person was guilty of a misdemeanor who polluted or obstructed a water body in a manner that caused it to be offensive or unwholesome.

1913- The 33rd Texas Legislature created the State's first water agency, the Board of Water Engineers, to regulate appropriations of water. The first water pollution control act incorporated in the Texas Civil Statutes was passed by the Legislature.

1953- The Legislature created the Texas Water Pollution Control Advisory Council composed of representatives of the Attorney General's Department, the State Health Department, the Game and Fish Commission, the Board of Water Engineers, and the Railroad Commission.

1957- A legislative act created the Texas Water Development Board, and a constitutional amendment authorized the Board to administer a Water Development Fund to help local communities develop water supplies.

1961- The Texas Water Pollution Control Board was created which assumed duties for approval of activities for pollution control work and issuance of waste disposal permits allowing discharge of treated wastewater into

the State's waters.

1962- The 57th Legislature changed the name of the Board of Water Engineers to the Texas Water Commission to more accurately reflect the functions of the Agency.

1965- The functions of the State water agencies were realigned by the 59th Legislature. The Texas Water Development Board, which until that time had as its sole function the administration of the Water Development Fund, was assigned additional water supply planning and development functions. The Texas Water Commission was renamed the Texas Water Rights Commission and charged with administration of water rights.

1967- The name of the Texas Water Pollution Control Board was changed to the Texas Water Quality Board and the agency was given broader authority to develop water quality criteria for the State, septic tank regulations, and to administer the water quality planning grants and loan assistance program. The State of Texas "Water Quality Requirements" were adopted by the Texas Water Quality Board to establish minimum water quality standards for the surface waters of the State of Texas.

1973- Within one year after passage of the Federal Water Pollution Control Act, PL 92-500, the Texas Water Quality Board revised water quality standards for the surface waters of the State, developed a Continuing Planning Process to guide the overall water quality management program, and developed water quality management plans for four river basins.

1974- An Executive Order was issued by the Governor designating the Texas Water Quality Board as the State reviewing agency for area wide water quality management plans and charged the Board with the responsibility for developing criteria and making recommendations to the Governor for the designation of area wide waste treatment planning areas and agencies.

1975- Water quality management plans were developed and adopted by the Texas Water Quality Board for the eleven remaining river basins.

1976- The Texas Water Quality Board revised the Texas Water Quality Standards. The previous Executive

Order was revised by the Governor charging the Texas Water Quality Board with the responsibility for conducting area wide water quality management plans throughout non-designated portions of the State.

1977- The 65th Texas Legislature merged the State's three major water agencies, the Water Development Board, the Water Rights Commission, and the Water Quality Board into the Texas Department of Water Resources.

1978- Water quality management plans were completed under the area-wide planning section of PL 92-500 for all fifteen major river basins and eight other designated planning areas.

1980- The Texas Department of Water Resources completed the first major revision of the State Water Quality Management plan which updated wastewater facility needs for 265 facilities.

1981- The Texas Department of Water Resources revised the Texas Surface Water Quality Standards.

1984- The Texas Department of Water Resources revised the Texas Surface Water Quality Standards.

1985- The 69th Texas Legislature abolished the Texas Department of Water Resources and transferred its regulatory functions to the Texas Water Commission. It had primary responsibility for implementing statutes and regulations related to Texas water resources. It was granted the authority to assess administrative penalties for violations of the Texas Water Code, Chapter 26.

1988- The Texas Water Commission substantially revised the Texas Surface Water Quality Standards to better control the discharge of toxics to State waters.

1991 - The 72nd Texas Legislature passed legislation (Senate Bill 2) combining the Texas Air Control Board (TACB), certain divisions of the Texas Department of Health (TDH), & the TWC. The new agency was named the Texas Natural Resource Conservation Commission (TNRCC) with a scheduled merger with TACB to occur on or about September 1, 1993.

1991- The Texas Water Commission substantially revised the Texas Surface Water Quality Standards.

1992- On March 1, 1992, the municipal solid waste, drinking water protection, and on-site waste disposal functions transferred from the TDH to the TWC. This transfer includes all functions and authority related to

sewage sludge use, disposal, and transportation.

1993- On September 1, 1993, the TWC and the TACB merged to become the TNRCC.

1995- On July 13, 1995, the TNRCC revised the Texas Surface Water Quality standards.

1995- On September 1, 1995, the TNRCC's Office of Hearings Examiners transferred into the Texas State Office of Administrative Hearings (SOAH).

1997- The Texas Legislature provided TNRCC with the authority to issue general permits. TNRCC revised the Texas Surface Water Quality standards.

B. WATER POLLUTION CONTROL AUTHORITY

The TNRCC is given broad authority under the Texas Water Code (Code) to adopt rules and procedures and to issue permits to control the quality of discharges of wastewater into or adjacent to water in the state. Water in the state includes groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, wetlands, marshes, inlets, canals, the Gulf of Mexico, inside the territorial limits of the state, and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or nonnavigable, and including the beds and banks of all watercourses and bodies of surface water, that are wholly or partially inside or bordering the state or inside the jurisdiction of the state. It is the policy of this state to maintain the quality of the water in the state consistent with public health and enjoyment, propagation and protection of terrestrial and aquatic life, operation of existing industries, and economic development of the state; to encourage and promote development and use of regional and area-wide wastewater collection, treatment, and disposal systems to serve the wastewater disposal needs of the citizens of the state; and to require the use of all reasonable methods to implement this policy. The state has developed a Water Quality Management Program-Continuing Planning Process which describes the planning and management processes for implementing programs to prevent, control, and abate water pollution.

The TNRCC is the permitting and enforcement authority in the State on matters relating to sewage sludge use, disposal, and transportation. The authority of the TNRCC is specified in the Attorney General's Statement, in Chapters 5 and 26 of the Texas Water Code, and Chapter 361 of the Texas Health and Safety Code. The Railroad Commission of Texas (RRC) has jurisdiction over the discharge, storage, handling, transportation, reclamation, or disposal of waste materials that result from activities associated with the exploration, development, or production of oil, gas, or geothermal resources. This authority includes storm water discharges associated with those activities. The RRC activities are included in the following Standard Industrial Classification (SIC) Codes:

1311- Crude Petroleum and Natural Gas Liquids

1321- Natural Gas Liquids

1381- Drilling Oil and Gas Wells

1382- Oil and Gas Exploration Services

1389- Oil and Gas Field Services, Not Classified Elsewhere

4922- Natural Gas Transmission

4925- Mixed Manufactured, or Liquefied Petroleum Gas Production

Appendix 2-A includes a listing of those TNRCC permittees which have identified these SIC Codes as a part of their activities. Memoranda of Understanding (MOUs) have been developed between the TNRCC, RRC, and TDH to effectively coordinate the State regulatory programs. The MOUs have been adopted by rule in Title 30 Texas Administrative Code (TAC) Chapters 7 and 335. One of these MOUs describes the TDH and TNRCC authority for licensing of the receipt, possession, storage, transport, and disposal of radioactive materials, low-level radioactive wastes, and the discharge of wastewater containing radioactive constituents. Other State agencies, such as the Texas Parks and Wildlife Department, must coordinate their pollution control activities with the TNRCC as required by Section 26.127 of the Code.

The TNRCC has jurisdiction over the disposal of municipal, agricultural, and industrial solid waste, as well as wastewater discharged into or adjacent to waters in the State. This jurisdiction includes authority over sewage sludge. The TNRCC sludge management program regulates municipal sewage sludge by using permit provisions to control sludge management by any permittee generating such waste. The permit provisions set out standards for sludge processing, use, and disposal. Title 30 TAC Chapter 312 governs the management of sewage sludge and water treatment sludge. These regulations include registration and permitting standards, as well as standards for the transport, disposal, incineration, and land application (for beneficial use) of these solid wastes. These regulations are more stringent than and exceed the scope of EPA regulations promulgated in 40 CFR Part 503.

The TNRCC is seeking partial assumption of the National Pollutant Discharge Elimination System (NPDES) program, herein called the Texas Pollutant Discharge Elimination System (TPDES). The TNRCC is seeking NPDES authority for discharge permits and general permits for all facilities, including federal facilities, which have discharges within the jurisdiction of the TNRCC. The TNRCC has adopted regulations found in 30 TAC Chapter 321 that control certain discharge by rule. Either authorizations by rule or general permits will be used by the TNRCC to control discharges under general permit authority. The TNRCC is also seeking authority for the pretreatment and the sewage sludge programs. All sewage sludge disposal requirements in Texas are self-implementing, inasmuch as all use, disposal, and processing which occurs in Texas must meet the 30 TAC Chapter 312 requirements which are consistent with and more stringent than the requirements of 40 CFR Part 503. The TNRCC does not seek jurisdiction to implement requirements under TPDES for Indian lands nor for discharges resulting from activities associated with the exploration, development, and production of oil or gas or geothermal resources. A complete Program Description of the TPDES Permitting Program is found in Chapter 3; for the TPDES Pretreatment Program in Chapter 4; for the Sludge Management System in Chapter 5; and for the TPDES Enforcement Program in Chapter 6. Throughout this Program Description,

reference is made to TNRCC rules. The TNRCC will coordinate with EPA any rule changes affecting the TPDES program.

C. TNRCC ORGANIZATIONAL STRUCTURE

The TNRCC organizational structure is shown in Figure 2-1 and the general responsibilities of those Offices and Divisions that are involved in activities associated with the TPDES program are discussed below. Chapter 7 of the Program Description and relating Appendices and Tables to Chapter 7 also describe the number employees in the TPDES program, includes budgetary information, and the specific TPDES job functions of the staff.

1. The Commission

Three full-time commissioners perform the legislative and judicial functions of the TNRCC. They are appointed for six-year terms by the Governor with the advice and consent of the Texas Senate. The terms are staggered so that one member's term expires every two years, and a commissioner may not serve more than two six-year terms. The governor also names the chairman. Rules necessary to carry out the responsibilities of the TNRCC are adopted by the three-member Commission. The Commission meets as necessary, usually twice each month in Austin, to render decisions concerning matters within their jurisdiction. The Commission also establishes the general policies of the agency and adopts the rules necessary to carry out the statutory responsibilities of the TNRCC. The Commission employs an executive director to administer agency programs; the executive director in turn appoints deputy directors. The Commission also appoints a general counsel, a chief clerk, and a public interest counsel.

2. State Office of Administrative Hearings (SOAH)

Effective on September 1, 1995, this Texas state agency has the authority to conduct hearings on behalf of the

TNRCC when the Commission delegates the responsibility to an administrative law judge of the SOAH. This agency consists of licensed attorneys who conduct public hearings throughout the state on behalf of the Commission. Pertinent to this NPDES application, they take public comment and evidence on contested permit applications. The office also conducts enforcement hearings concerning permit violations. After reviewing public comments and evidence presented at a public hearing, an administrative law judge prepares a written recommendation to the Commission concerning the matter in question.

3. General Counsel

The general counsel is the chief legal advisor to the three commissioners. This individual's responsibilities include guidance in the administration and enforcement of state and federal laws which govern the activities of the Commission. The general counsel also can advise the executive director on matters which are not pending before the Commission.

4. Office of Chief Clerk

The three member Commission appoints a chief clerk to assist them in carrying out the procedural requirements of the Texas Water Code. The chief clerk is responsible for ensuring that the official public notices required by the Commission for public hearings and meetings conform with administered requirements of the law and are appropriately posted. Following formal action by the Commission on applications for permits and other petitions, the Office of the Chief Clerk transmits all final decisions to the applicants and any other parties. The chief clerk also maintains recordings of Commission meetings. Figure 2-2 describes the organizational structure of the Office.

5. Office of Public Interest Counsel

The Office of Public Interest Counsel was created by the Texas Legislature to ensure that the public at large

is represented in contested matters heard by the Commissioners. The counsel was authorized under Sections 5.271 - 5.275 of the Texas Water Code to represent the public interest and to be a party to all proceedings before the Commission, including rule makings, consideration of permit applications, enforcement orders, and hearing requests. The office is headed by the public interest counsel, who is appointed by the Commission. The public interest counsel may participate in a hearing to develop the evidence presented on environmental protection issues. The counsel also participates as a negotiator or problem solver in Commission cases where such participation can assist the Commission in achieving solutions that address the concerns of the Commission, the public interest office, the general public and the applicant. Although the counsel cannot serve as the attorney for persons who wish to participate in a hearing, the counsel may assist individuals prior to a hearing by explaining hearing procedures or legal issues that may arise.

6. Executive Director

The Executive Director manages the administrative affairs of the TNRCC subject to the authorization by law granted to the TNRCC by the legislature and under the general supervision and direction of the Commission. The executive director is appointed by the Commission. The executive director is responsible for the general oversight of all TPDES program activities, including budgeting, permitting, enforcement, and compliance monitoring. The Office of the Executive Director includes the Executive Director, his Deputy Executive Director, his immediate administrative staff, six (6) divisions whose directors report directly to the Executive Director, and seven (7) separate offices each headed by a Deputy Director. Each Deputy Director also reports directly to the Executive Director.

The six (6) divisions reporting directly to the Executive Director include:

Agency Communications

Border Affairs

Chief Engineer

Intergovernmental Relations

Pollution Prevention and Recycling

Small Business Assistance Program

The seven (7) offices headed by Deputy Directors include:

Office of Administrative Services

Office of Air Quality

Office of Compliance and Enforcement

Office of Legal Service

Office of Policy and Regulatory Development

Office of Waste Management

Office of Water Resource Management

Of these thirteen (13) divisions or offices, three offices in particular include the programs relating to the TPDES program (the Office of Compliance and Enforcement, the Office of Legal Service, and the Office of Water Resource Management). Each is discussed in detail later in this chapter.

Additionally, within the Office of Administrative Services is the Information Resources Division headed by a Division Director. Reporting to this director is the Manager of Records Management Section. This section manager and the staff maintain all agency official records. This section processes all requests from the public or from others who desire to view agency records. TNRCC's record centers are open during regular business hours for the review of all records. Any person may request a copy of agency records and these records will be provided for a nominal copying fee. Additionally, any official open records requests are coordinated by the Office of Legal Services.

The Executive Director is specifically responsible for signature and issuance of all uncontested agency permits, pursuant to Commission rules delegating this authority (30 TAC Chapter 50) and pursuant to Section 5.122 of the Texas Water Code, enacted into law on September 1, 1995. A permit application which is not being protested and subject to a contested case hearing or does not require a variance, is approved and issued by the Executive Director. All other permit actions are approved by the Commission at its regularly scheduled agenda.

7. Office of Legal

This office, which is headed by a Deputy Director, provides legal representation for the Executive Director and the agency. Within the office, the Legal Services Division (headed by a division director) has primary functions to assist in the preparation and revision of agency rules, and to provide legal counseling concerning permit application processing, hearings, and administrative lawsuits involving the agency. Also within the office, the Litigation Support Division (headed by a division director) provides similar functions for the agency, except that the division specifically supports administrative enforcement order processing, setting policies relating to the agency's evaluation of compliance, and enforcement activities coordinated with other agencies (such as the U.S. Dept. of Justice or Texas Attorney General). Figure 2-3 describes the organizational structure of the Legal Division.

8. Office of Compliance & Enforcement

The Field Operations Division (FOD), Compliance Support Division, and Enforcement Division (each headed by a division director) constitute this office. This office is headed by a deputy director. Figures 2-4 and 2-5 show the organizational structure of the Field Operations and Enforcement Divisions.

a. Field Operations Division

FOD conducts environmental monitoring activities and facility inspections to ensure compliance with

environmental regulations. The division administers regional offices throughout the state which perform most of the monitoring activities for the agency. With the creation of a new regional office in the Laredo area in January 1997, there will be sixteen (16) regional offices throughout the state. Each of the regional offices is headed by a Regional Manager who reports to the Division Director of FOD. Serving under each Regional Manager in each office is a Water Program Manager whose function includes program management and supervision of regional inspectors to carry out TPDES-related functions. The division maintains an analytical laboratory in Houston (headed by a Lab Manager who reports to the Division Director of FOD) to process samples collected by agency staff and contracts with other commercial laboratories for certain types of analytical services. In the central office of FOD, three sections (Administration, Program Support, and Operations Support) provide support services for field activities. The managers for these sections report to the Assistant Division Director of FOD, who in turn reports to the Division Director of FOD.

For the TPDES program, regional inspectors conduct compliance inspections and complaint investigations for municipal and industrial wastewater treatment plants, sewage sludge management activities, pretreatment standards, concentrated animal feeding operations and storm water discharges. A detailed description of these inspections can be found in Chapter 6. In addition to facility inspections, regional staff collect surface water quality monitoring data for streams, reservoirs and estuaries to evaluate compliance with the Texas Surface Water Quality Standards. Other functions performed by FOD personnel include emergency response services and quality assurance evaluations for laboratories utilized by permittees.

When violations of environmental regulations are noted during field inspections, regional staff undertake appropriate action to address problems. Most violations are handled through a regional NOV and/or conference with the noncompliant entity to establish a compliance schedule that will be monitored at the regional level. However, if significant non-compliance (SNC) violations or other serious and/or continuing violations are

noted, the regional office initiates formal enforcement actions.

b. Compliance Support Division

The Compliance Support Division (headed by a division director) consists of staff which provide agency sponsored or administered courses aimed at development of environmental expertise by agency staff through technical training efforts. Additionally, the division is responsible for hosting technical assistance related workshops and conferences to those regulated by the TNRCC and for manning a technical assistance hotline to assist local government. TNRCC requires that domestic wastewater operators be certified to operate and maintain domestic wastewater treatment facilities. Administration of the domestic wastewater operator certification program is handled through the Occupational Certification Section of this division.

c. Enforcement Division

The Office's Enforcement Division (headed by a division director) is divided into three sections which are responsible for addressing non-compliances with the agency's regulations through enforcement actions. These actions may include technical assistance, coordination with FOD on development of monitoring data or preparation of evidence to support an enforcement action, development and processing of formal enforcement orders specifying technical recommendations with which a violator must comply, and assessment of administrative penalties for violations. The three sections of the division are subdivided along programmatic lines, including the Air Section, Waste Section, and the Water & Multimedia Section (each headed by a section manager who reports to the division director).

The Water & Multimedia Section is comprised of three teams (each headed by a team leader who reports to the section manager), the Database and Administration Team, Enforcement Team I (Water Quality Team), and Enforcement Team II (Public Water Supply and Multimedia Team). Violations or deficiencies noted during

compliance inspections or complaint investigations for TPDES regulated facilities, or from review of noncompliance reports, Discharge Monitoring Reports, pretreatment audits, or sludge reports which require formal enforcement action are addressed by the Water Quality Team. Enforcement actions processed by the Water Quality Team include those related to violations/deficiencies of effluent limitations, permit conditions or schedules, pretreatment activities, and sewage sludge management and enforcement actions related to concentrated animal feeding operations. The formal enforcement process generally results in the issuance of an agreed order. The Water Quality Team also address violations of existing agreed orders and compliance schedules.

The Database and Administration Team will update and maintain all Water Enforcement Database (WENDB) data elements in the Permit Compliance System (PCS) and the Commission's Texas Regulatory Activity and Compliance System (TRACS) database which contains information about all permitted effluent limitation requirements, biomonitoring for WET (Whole Effluent Toxicity) limits, pretreatment requirements, storm water requirements, and sewage sludge requirements for permits issued by the Commission. The Database and Administration Team also supplies Discharge Monitoring Reports (DMRs EPA Form 3320-1) forms with current permitted effluent limitations to all permittees. The team receives, reviews and tracks monthly self-reported data (DMRs) received from permitted facilities throughout the State. The Database and Administration Team receives and initially reviews the data utilizing the Violation Review Action Criteria (VRAC) located in the Enforcement Guidelines (Appendix 6-A, Part III). If the facility exceeds VRAC for administrative requirements (such as failure to self-report), the Database and Administration Team has the authority to take informal enforcement action which includes warning letters and verbal contact. The Database and Administration Team staff will take the appropriate action to address the noncompliance within thirty (30) days of becoming aware of the violation. If the alleged violator does not respond, if the response is not adequate, if the noncompliance is non-administrative in nature, enforcement response activities for the facility

are referred to the Water Quality Team Leader for assignment and review by the Water Quality Team staff. The Database and Administration Team will also refer facilities which are significantly noncompliant to the Water Quality Team. The enforcement process is described in Chapter 6.

9. Office of Water Resource Management

The primary responsibility of the Office of Water Resource Management is to manage a program that is consistent with the Federal Clean Water Act (CWA), the Texas Water Code, Texas Surface Water Quality Standards, and other regulations to prevent, control, and abate water pollution in the state. The office is divided into the Water Utilities, Water Quality, and Water Quantity Divisions (each headed by a division director). The general responsibilities of the Water Quality Division are to review and revise the Texas Surface Water Quality Standards, review permit applications and prepare draft permits and other discharge authorizations, revise and maintain the Water Quality Management Plans for the State, and to provide technical and administrative assistance to insure the implementation of the Water Quality Management Plan recommendations. Details of the Water Quality Management Plans are contained in the Water Quality Management Program - Continuing Planning Process (Appendix 3-C).

The division is divided into seven (7) sections, five of which are located in Austin, including Data Collection Section, Standards & Assessment Section, Groundwater Assessment Section, Wastewater Permits Section, and Agriculture Section. Each of these sections is headed by a section manager who all report to the division director. Each section manager supervises team leaders and administrative support staff. Team leaders, in turn, directly supervise line staff. Figure 2-6 describes the organization of the Water Quality Division.

1) Data Collection Section

This section includes five (5) teams with responsibility over water quality protection. These include the Texas

Watch Team, an Administrative Team, and :

- a) The Watershed Management Team which develops and administers designated area and basin Water Quality Management Plans as required by the Texas Water Code and Section 208 of the Clean Water Act. These plans provide water quality problem identification, assessment of wastewater facility needs, facility planning areas, design population projections, waste treatment management agency designations, and other water quality management recommendations. This team also provides interagency review of implementation activities, reviews permit applications for conformance with Water Quality Management Plans, and ensures public involvement at the local and regional levels.
- b) The Non-Point Source Team develops and administers the State's non-point source management program, as required by Section 319 of the Clean Water Act and to develop and implement the Municipal Pollution Abatement Program as required by Section 26.177 of the Texas Water Code. The team also provides coordination and review of the Clean Lakes Program grants, as required by Section 314 of the Clean Water Act.
- c) The Water Quality Monitoring Team is responsible for the intensive monitoring surveys that develop data for input into mathematical models of streams. The team also develops and coordinates the State's ambient monitoring program with the Field Operations Division, citizen volunteers, and in concurrence with other State and federal programs. The Water Quality Monitoring Team does several additional "special projects", such as the Pecos River watch program, which enhance the public's understanding of the water quality program. This team also prepares the State of Texas Water Quality Inventory (305b Report) and develops special studies on water quality, such as use attainability analyses, which may have possible standards implications.

2) Standards and Assessment Section

This section consists of three (3) teams:

- a) The Water Quality Modeling Team in this section is responsible for running simulation models for each pending surface discharge permit application to make certain that proposed limitations are consistent with existing waste load evaluations and will not cause adverse impacts on water quality. The team is responsible for the development of waste load evaluations to insure that treatment level requirements for wastewater discharges are sufficient to meet Water Quality Standards (WQS) in accordance with 30 TAC Chapter 307.
- b) The Water Quality Standards Team in this section is responsible for the review and revision of the state Water Quality Standards on a triennial basis. The most recent triennial revision of the WQS was adopted by the Commission in June, 1995 (effective date was July 13, 1995) as found in 30 TAC Chapter 307. This chapter was later amended in May, 1997. The team also provides technical support to the Wastewater Permits Section for implementation of numerical criteria, to consider site specific water quality standards or variances to the Texas Surface Water Quality Standards, and to evaluate water quality monitoring data as it is related to permitted facilities.
- c) The Toxicity Evaluation Team is responsible for providing technical support to the Wastewater Permits Section for implementation of numerical criteria and biomonitoring. Typical tasks include:
- toxicity testing reviews (application or permit required);
 - discharge location mapping and critical receiving water flow determination;
 - special chemical research (pesticides, biocides, etc.) for human health and aquatic impacts;
 - review of Toxicity Identification Evaluations/ Toxicity Reduction Evaluations (TIE/TREs);
 - technical support for permit engineers and pretreatment program reviewers;
 - derivation of permit biomonitoring requirements; and
 - recommends incorporation of WET limits, chemical-specific limits, or best management practices into waste discharge permits at the conclusion of TREs.

The Toxicity Evaluation Team oversees all TIE/TREs. Results of TIE/TREs will be used to modify permits

to require toxicity or chemical specific limits and compliance schedules, as appropriate.

3) Ground-Water Assessments Section

The Ground Water Protection Team of this section assists the permitting process in the development of permit limitations and conditions. The team's recommendations will ensure the protection of ground water and soils from potential releases associated with the disposal of wastewater. The team may recommend that conditions be placed into a permit for pond lining or that the facility initiate ground water monitoring or site investigations. The compliance with these provisions is monitored by the team.

4) Galveston Bay Program & Corpus Christi Bay National Estuary Program

Primary responsibility is for the development and implementation of the Corpus Christi Bay National Estuary Program (CCNEP) and for implementation of the Galveston Bay Program (GBP), as defined by Section 320 of the Clean Water Act. Staff support and coordination of these activities are provided to support the recommendations of the Management Conference.

5) Wastewater Permits Section

The section is responsible for processing and review of all applications for the discharge or disposal of public domestic, private domestic, and industrial wastewater and applications for the management of sewage sludge which occurs at a domestic wastewater treatment facility. The section is responsible for the development of discharge permits, development of sewage sludge permits, and development/administration of authorizations by rule and general permits. The section is responsible for review and evaluation of pretreatment programs and performs pretreatment program audits. The section is currently divided into seven (7) teams which carry out these functions. These include six (6) teams involved in TPDES related functions and one (1) team which is not (Wastewater Plan Review Team). The six (6) teams include:

Administrative Support

Applications Team (completeness review of permit applications, NOIs)

Municipal Team (permit development)

Industrial Team (permit development)

Pretreatment Team (audits and program modifications)

Sludge & Transporter Review Team (sewage sludge permits)

A detailed description of the section's wastewater permitting activities can be found in Chapter 3, the pretreatment activities are described in Chapter 4, and the sewage sludge permitting activities can be found in Chapter 5.

6) Agriculture Section

The Agriculture Section is composed of the Agriculture Team, the Section Manager, and one Administrative Technician. The Agriculture Team functions to oversee dairy, animal feedlot, and other concentrated animal operations through a permitting, registration, and technical assistance program. CAFO wastewater management operations are regulated by criteria established in 30 TAC Chapter 321, Subchapters B and K. The team is responsible for processing and review of all applications for the disposal wastewater from CAFOs. A detailed description of these activities is provided in Chapter 3.